

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 187 - SB 446**

February 24, 2019

**SUMMARY OF BILL:** Limits certain state and local regulation of privately-owned gun or sport shooting ranges except in certain circumstances. Authorizes aggrieved parties to challenge such regulations and receive certain damages if they prevail in a suit against the governmental entity.

**ESTIMATED FISCAL IMPACT:**

**Increase Local Expenditures – Exceeds \$10,000/One-Time/Permissive**

Assumptions:

- Gun and sport shooting ranges are subject to federal regulation regarding patron, civilian, and environmental safety. Federal regulations are occasionally enforced by state government agencies.
- Local ordinances concerning zoning requirements may apply to private gun ranges; however, state agencies do not currently regulate such entities directly.
- State and local government agencies are prohibited from enacting a regulation which prohibited the ownership, construction, or operation of a private range; however, they would also be prohibited from enforcing any prohibition enacted through a federal regulation.
- Governmental entities would only be able to enforce or enact regulations concerning the hours of operation and safe construction of the range. Such regulation enactment or enforcement could only occur in instances where the governmental entity could prove that such regulation was addressing certain governmental interests.
- Governmental entities would be prohibited from imposing greater requirements on private ranges than are applied to ranges owned by a governmental entity operated within the same county or adjoining county.
- Aggrieved parties may petition the court for declaratory and injunctive relief against a range prohibition, ordinance, rule, or regulation by a governmental entity and be awarded specific damages.
- If the plaintiff against the governmental entity prevails in the suit, the governmental entity would be liable for payment of all court costs, reasonable attorney's fees, as well as the greater of either actual damages or three times the plaintiff's attorney's fees.
- State governmental agencies do not currently regulate such entities, but may occasionally enforce federal regulations. As the state agency is not the regulating entity

and such damages are awarded in specific instances of regulation, state agencies would be exempt from suit for enforcing any federal regulation.

- Due to multiple unknown variables, such as how many governmental entities will opt to enact or enforce an ordinance or regulation, how many aggrieved persons will bring suit against governmental entities, how many plaintiffs will prevail in such suits, the extent of any relief rewarded to the prevailing plaintiff, a precise permissive increase local government expenditures cannot reasonably be determined, but is reasonably estimated to exceed \$10,000 per suit.
- Local governments will be deterred from enacting or enforcing such ordinance or regulations once a local government is sued; therefore, the permissive increase to local government expenditures is considered to be a one-time increase.
- Local government entities are not required to enact or enforce such ordinances or regulations; therefore, any increase in local government expenditures is considered permissive.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jrh